

REMARKS

In accordance with the foregoing, claims 5 and 6 have been cancelled and claim 1 has been amended, and new claims 11 and 12 have been added. Claims 1-4 and 7-12 are pending and under consideration.

The sole issue in the Office Action is rejection under 35 USC § 103(a) of claims 1-10 as being obvious over International Patent Publication No. WO00/41378 to Atkinson et al. in view of European Patent Publication No. EP 1128642 to Ishigaki. On page 2 of the Office Action, the Examiner describes how he believes claim 1 reads on Atkinson et al. For the first light for lighting up the display, the Examiner cites "(page 1, lines." This portion of the Office Action appears to be incomplete. Should the case not be allowed, the Examiner is requested to provide clarification.

The limitations of claim 5 have been incorporated into claim 1, and claim 5 has been cancelled. The Examiner describes on page 4 of the Office Action why he believes Atkinson et al. discloses the features of claim 5. Page 6, line 28 through page 7, line 7 of Atkinson et al. are cited for a light emitter. This portion of the reference describes that a light detector 21 is used to switch backlighting is on and off according to the amount of detected light. Independent claim 1 recites a first light for lighting up the display unit and a second light for lighting up the operation member. Perhaps the Examiner believes the backlighting of Atkinson et al. corresponds with the light emitter. Perhaps the Atkinson et al. backlighting corresponds with the first light or the second light. However, the Atkinson et al. backlighting is very different from the light emitter.

The Examiner cites page 2, lines 8-26 and page 10, lines 7-38 for the light sensor and the light emitter being arranged in proximity to each other. Page 2, lines 18-26 describes a benefit of positioning the photosensor under the border area of display where it receives not only ambient light but also some scattered light from a diffuser. This portion of the reference relates to a light for backlighting and a light sensor being arranged together. There is no mention of a light emitter, as claimed. In citing page 10, lines 7-38, it appears that the Examiner intends to cite page 10, lines 7-28, as page 10 only contains 32 lines. Page 10, lines 7-28 also describes benefits of arranging a photosensor 91 in proximity to backlighting. Light from LEDs 15 enters a diffuser 81. LEDs 15 are for backlighting, and do not correspond with the claimed light emitter.

According to the Examiner's reason for rejecting claim 1 "light for backlighting" of Atkinson et al. appears to correspond to the second light of the present invention and the "display module" of Atkinson et al. appears to correspond to display unit of the present

invention. However, in the present invention, as is apparent from the specification, a light emitter is provided in addition to the first light and the second light. Although the claims are not restricted to what is disclosed in the specification, Fig. 3 of the application discloses light emitting unit 20 having a bi-color LED 150, which is provided as a component other than the first light (screen light 154 in Fig. 2) and the second light (key backlight 153 in Fig. 3). Also, at page 16, line 16 et seq., the specification discloses a window of light emitting unit 20, which is provided as a component other than the display unit (LCD unit 40 in Fig. 1). New independent claim 11 has been added to specifically recite the light emitter is separate from the first and second lights. New independent claim 12 has been added to recite that the window is separate from the display unit.

There are no elements in Atkinson et al. which correspond to the light emitter and the window, as claimed, and there are no features in Atkinson et al. which correspond to "wherein the light sensor and the light emitter are arranged in proximity to each other" as claimed.

Ishigaki discloses some sort of system which turns on a backlight depending on whether a valid key is operated. Ishigaki is cited for the limitations of turning on first and second lights in response to occurrence of a predetermined first event. However, Ishigaki does not compensate for the deficiencies discussed above with regard to Atkinson et al.

Claims 1-4 and 7-12 patentably distinguish over Atkinson et al. and Ishigaki, taken alone or in any proper combination. For this reason, the obviousness rejection should be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Aug. 23, 2004

By: Mark J. Henry
Mark J. Henry
Registration No. 36,162

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501